

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEFENDANT'S MOTION IN LIMINE
TO EXCLUDE POLICE OFFICERS' TESTIMONY
REGARDING PRIOR KNOWLEDGE OF DEFENDANT

Defendant, pursuant to Fed.R.Evid. 404(b) and 403, hereby moves that the Court limit the Brockton police officers' testimony regarding their prior knowledge of, and prior encounters with, defendant.

Testimony at the hearing on the Motion to Suppress in this case showed that an early radio broadcast named the suspect as "Kurt" or "Kirk," and that some of the officers knew defendant as "Kurt" or Kirk." Detective Delahoy testified that he knew defendant from "encounters on the street," and knew that he had convictions for "past felonies," including "assault and batteries . . . involving knives, altercations involving other people, . . . a stabbing he had been involved in before." Detective Hilliard testified that he knew defendant had been arrested for "assault and batteries," and "I believe there was prior drug charges."

The foregoing evidence is patently inadmissible under Fed.R.Evid. 404(b) and, moreover, is more prejudicial than probative. Fed.R.Evid. 403. Defendant therefore moves that such statements, and any similar such statements by the officers, be excluded.

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Certificate of Service

I, Catherine K. Byrne, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 24, 2007.

/s/ Catherine K. Byrne
Catherine K. Byrne